

Entered on Docket

January 19, 2010

GLORIA L. FRANKLIN, CLERK

U.S. BANKRUPTCY COURT

NORTHERN DISTRICT OF CALIFORNIA



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Signed and Filed: January 15, 2010

A handwritten signature in blue ink that appears to read "R. Carlson".

THOMAS E. CARLSON
U.S. Bankruptcy Judge

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11 Attorneys for US BANK NA AS SUCCESSOR TRUSTEE TO WACHOVIA BANK, NA, AS
12 TRUSTEE FOR WELLS FARGO ALTERNATIVE LOAN 2005-2 TRUST,
13 MORTGAGE ASSET-BACKED PASS-THROUGH CERTIFICATES, SERIES
14 2005-2

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17 UNITED STATES BANKRUPTCY COURT
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20 In re
21 DAVID R. AZZARELLO AND TERESA A.
22 AZZARELLO,

Case No. 09-33349-TEC

Chapter 7

R.S. No. KLJ-792

ORDER GRANTING MOTION FOR
RELIEF FROM AUTOMATIC STAY

DATE: January 4, 2010
TIME: 1:00 PM
CTRM: 23

United States Bankruptcy Court
235 Pine Street, 19th Floor
San Francisco, CA 94104

23 Debtor(s).

24 The above-captioned matter came on for hearing on January 4, 2010, at 1:00 PM, in
25 Courtroom 23, upon the Motion of US Bank NA as successor Trustee to Wachovia Bank, NA, as
26 Trustee for Wells Fargo Alternative Loan 2005-2 Trust, Mortgage Asset-Backed Pass-Through
27 Certificates, Series 2005-2 ("Movant"), for relief from the automatic stay of 11 U.S.C. § 362, to
28 enforce its interest in the property of David R. Azzarello and Teresa A. Azzarello ("Debtors")
commonly known as 2300 Silverado Ranch Blvd #1043, Las Vegas, Nevada 89123 (the "Real
Property"), which is legally described as follows:

1 SEE LEGAL DESCRIPTION AS EXHIBIT FOR PROPOSED
2 ORDER GRANTING MOTION FOR RELIEF FROM
3 AUTOMATIC STAY, DOCKET NUMBER 27.

4 Appearances as noted on the record.

5 Based on the arguments of counsel, and good cause appearing therefor,

6 IT IS HEREBY ORDERED:

7 1. The automatic stay of 11 U.S.C. § 362, is hereby terminated as it applies to the
8 enforcement by Movant of all of its rights in the Real Property under Note and Deed of Trust,
9 and pursuant to applicable state law;

10 2. Movant is authorized to foreclose its security interest in the Real Property under
the terms of the Note and Deed of Trust, and pursuant to applicable state law;

11 3. The 14-day stay provided by Bankruptcy Rule 4001 (a)(3) is waived;

12 4. Post-petition attorney's fees and costs for the within motion may be added to the
13 outstanding balance of the subject Note as allowed under applicable non-bankruptcy law;

14 5. Upon foreclosure, in the event Debtors fail to vacate the Real Property, Movant
15 may proceed in State Court for unlawful detainer pursuant to applicable state law; and

16 6. Movant may offer and provide Debtors with information re: a potential
17 Forbearance Agreement, Loan Modification, Refinance Agreement, or other Loan Workout/Loss
18 Mitigation Agreement, and may enter into such agreement with Debtors. However, Movant may
19 not enforce, or threaten to enforce, any personal liability against Debtors if Debtors' personal
20 liability is discharged in this bankruptcy case.

21
22 ** END OF ORDER **
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1 **COURT SERVICE LIST**

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